

REMARKS

This Amendment and Response is filed in reply to the final Office action dated August 3, 2007. Claims 1, 15, 29 and 43 are amended and claims 2, 7, 16, 21, 30, 35 and 44-68 were previously canceled. Accordingly, after entry of this Amendment and Response, claims 1, 3-6, 8-15, 17-20, 22-29, 31-34 and 36-43 remain pending.

I. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 6, 11, 15, 20, 25, 29, 34, 39 and 43 are rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,691, 245 to DeKoning (hereinafter "DeKoning"). An anticipation rejection requires that each and every claim limitation be disclosed in a single prior art reference.

Initially, the rejections of independent claims 1, 15, 29 and 43 are addressed. Independent claims 1, 15, 29 and 43, as amended, each require that "the copy on write snapshot occurs without an application's read/write activities being in a quiescent state." DeKoning discloses that "the host device 106 quiesces, or suspends, any applications running on the local host device 106" prior to generating a copy on write snapshot (or checkpoint). *See DeKoning, column 10, lines 4-6.* That is, DeKoning requires that the application be put in a quiescent state (all read/write activity suspended) prior to creating the snapshot rather than having the snapshot occur without an application's read/write activities being in a quiescent state as required by the independent claims. Insofar as DeKoning does not disclose all of the limitations of independent claims 1, 15, 29 and 43, it is insufficient to anticipate them. Accordingly, independent claims 1, 15, 29 and 43 are patentable over DeKoning and such indication is respectfully requested.

The remaining claims, 6, 11, 20, 25, 34 and 39 all depend, either directly or indirectly, from one of independent claims 1, 15 and 29. Accordingly, these dependent claims are themselves patentable over DeKoning for the above stated reasons and such indication is respectfully requested. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 3, 8, 12, 17, 22, 26, 31, 36 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning in view of U.S. Patent No. 6, 493, 796 to Arnon et al. (hereinafter "Arnon"). Claims 4, 9, 18, 23, 32 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning in view of U.S. Patent No. 7,149,787 to Mutalik et al. (hereinafter "Mutalik"). Claims 13, 27 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning in view of Arnon and in further view of Mutalik. Claims 5, 10,

14, 19, 24, 28, 33, 38 and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeKoning in view of Mutalik and in further view of Official Notice.

The rejected claims all depend, either directly or indirectly from one of independent claims 1, 15, 29 and 43 which have been shown to be patentable over DeKoning. Neither Arnon nor Mutalik are sufficient to remedy the insufficiency of Norman to teach or suggest all of the claim limitations of independent claims 1, 15, 29 and 43. Accordingly, these dependent claims are themselves patentable over the cited references and such indication is respectfully requested. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

III. Conclusion

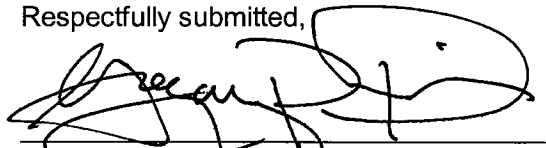
The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

This Amendment is submitted contemporaneously with a Request for Continued Examination. Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$810.00, for Request for Continued Examination fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

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Respectfully submitted,


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